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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,103	03/31/2006	Maurizio Domolato	25531015	7440
466 7590 01/03/2008 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER RAMSEY, JEREMY C	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,103	Applicant(s) DOMOLATO, MAURIZIO	
	Examiner Jeremy C. Ramsey	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/341/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>31 MAR 06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hydraulic pistons and the balance weights hidden in the upright supports, as claimed in claims 13 and 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities: Page 1, lines 20-21 read "one of the commonest public places". The examiner presumes this should read --one of the most common public places--.

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: Page 2, lines 5-6 read "The structure as claimed in the Patent DE 4233398 and DE 295501720 are know". The examiner presumes this should read --The structure as claimed in the Patent DE 4233398 and DE 29550120 is known--.

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: Page 4 line 18 reads "joined by rod 2c". The examiner presumes this should read --joined by cross member 2c--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

5. Regarding claims 14, and 18-20, the phrase "may be" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Regarding claim 18, the phrase "or other materials" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or other materials"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11, 13 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by STOL VERTRIEBS GMBH & CO SITZM German Patent Application Publication No. DE29501720.

8. In re claims 11,13 and 15 with reference to Figures 4 and 5, Stol '720 discloses a vertical structure having both functions of seat and/or partition comprising:

- A pair of upright poles or supports (4).
- A second quadrilateral articulated structure or frame (6)(8) composed of rods.
- A panel (7)(10) attached thereto.
- Said frame (6)(8) being adapted to allow the vertical structure to act as a seat when the rods of the frame (6) are oriented perpendicular to the upright supports (4), or as a partition screen when the rods and upright supports coincide.
- In the position of the partition screen, the vertical portion of the panel (10) and the portion of the sitting panel (7) are coplanar.

- Mechanical or hydraulic means are provided between the frame (6) and the structure such as return springs (15).
- The rods of the frame (6) are hinged to the vertical structure by special pins (13).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over STOL VERTRIEBS GMBH & CO SITZM German Patent Application Publication No. DE29501720 in view of O'Connor et al. U.S Patent No. 5,655,459.

11. In re claim 12, the vertical structure of Stol '720 has been discussed above, but fails to disclose:

- The frame has end stops mounted on the rods which abut against the upright supports when the seat position is reached.

With reference to Figure 2A, O'Connor et al '459 discloses:

- The upright supports has end stops (32) mounted which abut against the frame rods (24) when the seat position is reached.

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to include the end stops

as taught by O'Connor et al '459 in order to support the legs (frame) in a horizontal position (column 3, lines 54-56). It also would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the end stops to the frame instead of the upright supports since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over STOL VERTRIEBS GMBH & CO SITZM German Patent Application Publication No. DE29501720 in view of Ehrenreich U.S Patent Application No. 2003/0121123.

14. In re claim 14, the vertical structure of Stol '720 has been discussed above, but fails to disclose:

- The mechanical means may also be balance weights hidden in the upright supports.

15. With reference to Figure 13, Ehrenreich '123 discloses:

- The mechanical means may also be balance weights (68) hidden in the upright supports.

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to include balance weights as taught by Ehrenreich '123 in order to provide for a stabilized smooth motion when the device is down-tilted and prevent it from swinging downward of its own weight uncontrolled (paragraph [0034]).

17. Claims 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOL VERTRIEBS GMBH & CO SITZM German Patent Application Publication No. DE29501720 in view of Adams U.S Patent No. 1,162,540.

18. In re claim 16, the vertical structure of Stol '720 has been discussed above but fails to disclose:

- The lower rods are hinged with a stationary rod, which is oriented transverse to the upright supports.

19. With reference to Figure 3, Adams '540 discloses:

The lower rods (9) are hinged with a stationary rod (3), which is oriented transverse to the upright supports (1).

20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to make the lower rods hinged with a stationary rod transverse to the upright supports as taught by Adams '540 in order to add lateral stability and strength to the structure as well as pivotally connect the rods to the uprights.

21. In re claim 17, the vertical structure of Stol '720 modified by Adams '540 discloses:

- The panel (14) is a single piece, which is secured between the rods (9) and the stationary rod (3).

22. In re claim 18, Stol '720 discloses:

- The panel may be made of fabric, synthetic material or other materials adapted to withstand the weight of a person. (obviously suggests the

material will withstand the weight of a person since the invention is directed to a chair type feature)

23. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOL VERTRIEBS GMBH & CO SITZM German Patent Application Publication No. DE29501720 in view of Gerschwender U.S Patent No. 4,208,070.

24. In re claim 19, the vertical structure of Stol '720 has been discussed above, but fails to disclose:

- The upright supports may be bent through an essentially right angle and joined together by cross members.

With reference to Figure 3, Gerschwender '070 discloses:

- The upright supports (9) may be bent through an essentially right angle and joined together by cross members (7). (column 2, lines 28-31)

25. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to include the upright supports to be bent through an essentially right angle and joined by cross members as taught by Gerschwender '070 in order to provide for a stable, non-rocking engagement with the floor. (column 3, lines 45-52).

26. In re claim 20, with reference to Figure 4, Stol '720 discloses:

- The upright supports (4) may also be of the straight type, and fastened to the floor by anchor plates or flanges (unnumbered plates on bottom of supports (4)).

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menne 6,722,732, Suchy 4,323,260, and Peterson 6,161,320.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Ramsey whose telephone number is 571-270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy Ramsey


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER